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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,829	09/28/2001	David B. Kumhyr	AUS920010400US1	5006

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DAFFER MCDANEIL LLP  
P.O. BOX 684908  
AUSTIN, TX 78768

EXAMINER
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FLEURANTIN, JEAN B

ART UNIT	PAPER NUMBER
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2162

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/966,829

Applicant(s)

KUMHYR ET AL.

Examiner

JEAN B. FLEURANTIN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2005.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-18, 20-23 and 26-29 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☒ Claim(s) 1 and 3-12 is/are allowed.  
6) ☐ Claim(s) 13-18, 21-23 and 26-29 is/are rejected.  
7) ☒ Claim(s) 20 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

1. This is in response to Applicant(s) arguments filed on 28 April 2005.
2. Claims 1, 3-18, 20-23 and 26-30 remain pending for examination.

### ***Response to Applicant' Remarks***

3. Applicant's arguments filed 26 April 2005 have been fully considered but they are not persuasive for the following reasons, see sections A and B.

### ***Claim Rejections - 35 USC § 102***

- A. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless-

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351 (a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 27, 28 and 29 are rejected under 35 U.S.C. 102(e) as being by U.S. Patent No. 6,584,466 issued to Serbinis et al. ("hereinafter Serbinis").

As per claim 27, Serbinis discloses "a computer-usable carrier medium" an Internet based document management method that permits users to access a plurality of services supported by a common Internet based database (see col. 2, lines 53-56), "comprising a data structure storing multiple sets of participant identifiers" as user information tables contain user information (registered) including user ID and password and user notification information (see col. 6, lines 35-39), "each effective to identify a potential participant in a computer-based communications session" as the registrant receives a notification with instruction authorization, in which the registrant is given instructions to authenticate his credentials (see col. 18, lines 29-30; col. 17, lines 24-25) "to each of multiple communications applications available for use in the communications session" as computers connect to server computer, in which dispatches notifications, via voice message, e-mail, pagers to users of document management services system concerning the status of documents stored in the document management services system (col. 5, line 63 to col. 6, line 1).

"a set . . . session" as a system that permits interfaces to the multiple services to be accessed using previously known web browsers (see col. 4, lines 15-28).

As per claim 28, Serbinis discloses "wherein the data structure further stores role or permission information corresponding to each potential participant" as computers connect to server computer, in which dispatches notifications, via voice message, e-mail, pagers to users of document management services system concerning the status of documents stored in the document management services system (col. 5, line 63 to col. 6, line 1).

As per claim 29, Serbinis discloses "wherein the data structure comprises an object or class in an object-based programming approach, and each set of participant identifiers is within a respective additional object" as the file system may assign a unique name to each document and the document stored directly on the hard drive (see col. 5, lines 59-62).

***Claim Rejections - 35 USC § 103***

i) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13-18, 21-23 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,584,466 issued to Serbinis et al. ("hereinafter Serbinis") in view of U.S. Patent No. 5,887,136 issued to Yasuda et al. ("hereinafter Yasuda").

As per claim 13, Serbinis discloses "a system for computer-based communications" an Internet based document management method that permits users to access a plurality of services supported by a common Internet based database (see col. 2, lines 53-56), comprising:

"means for displaying on a screen of the computer, a graphical user interface including representations of multiple communications applications accessible using computer and of multiple potential participants in a communications session" as a user enters information into a form displayed in a web browser, in which the information is transferred to server computer using http and is made available to the programmed routines executing on server computer 20 through the common gateway interface (see col. 5, lines 1-10);

"means for receiving, from a user of a computer, notification of a desired participant in a communications session" as the registrant receives a notification with instruction authorization, in which the registrant is given instructions to authenticate his credentials (see col. 18, lines 2930; col. 17, lines 24-25);

"means for retrieving a participant identifier appropriate to identify the desired participant to the desired communications application" as a means of attempting to retrieve the file must provide the same information to permit the document management services system to generate the session key (see col. 11, lines 16-18); and

"means for providing the retrieved participant identifier to the communications application" as the authorized user is identified by the document management services system as a registered user, in which the user submits is credentials, once the credentials are authenticated the user is provided access to the documents, (see col. 12, lines 60-64). Serbinis fails to explicitly disclose the claimed a desired communications application to be used for the session accessible using the computer; and, wherein said representations comprise icons. However, Yasuda discloses the

claimed receiving an input of a user in a communication request including information relative to at least one called user desiring communication and more media (see Yasuda col. 21, lines 21-32). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combined teachings of Serbinis and Yasuda with a desired communications application to be used for the session; accessible using the computer. Such a combination would allow the teachings of Serbinis and Yasuda to improve the accuracy and the reliability of the method, system and program for switching between various computers-based communication techniques, and to provide a reserve function which reserves the resources of terminals constituting a communication service (see Yasuda col. 52, lines 58-59).

As per claim 14, Serbinis discloses "wherein said means for receiving, means for retrieving and means for providing comprise a communications aggregation program stored on a storage medium within the system" as a plurality of services supported by a common database and document store (see cot. 3, lines 26-27).

As per claim 15, Serbinis discloses "wherein the storage medium is within or accessible by the computer" as database stores data concerning documents controlled by server computer (see cot. 5, lines 26-28).

As per claim 16, Serbinis discloses "wherein the storage medium is within or accessible by an additional computer" as database stores data concerning documents controlled by server computer (see col. 5, lines 26-28).

As per claim 17, Serbinis discloses, "wherein the communications aggregation program is adapted to access a data structure including the participant identifier" as user information tables have entries for information relating to users registered to access and use the document management services system, in which including user ID and passwords (see col. 6, lines 3538).

As per claim 18, Serbinis discloses, wherein the data structure is stored on or accessible by an additional computer" as database stores data concerning documents controlled by server computer (see col. 5, lines 26-28).

As per claim 21, Serbinis discloses, "the system further comprising means for retrieving a user identifier appropriate to identify the user to the desired communications application" as the authorized user is identified by the document management services system as a registered user, in which the user submits is credentials, once the credentials are authenticated the user is provided access to the documents (see col. 12, lines 60-64).



As per claim 22, Serbinis discloses "a computer-usable carrier medium" an Internet based document management method that permits users to access a plurality of services supported by a common Internet based database (see col. 2, lines 53-56), comprising:

"first program instructions executable on a computer for receiving, from a first participant, notification of a desired additional participant in a communication session" as the registrant receives a notification with instruction authorization, in which the registrant is given instructions to authenticate his credentials (see col. 18, lines 29-30; col. 17, lines 24-25);

"second program instructions executable on the computer for retrieving a participant identifier appropriate to identify the desired additional participant to the desired communications application" as a means of attempting to retrieve the file must provide the same information to permit the document management services system to generate the session key (see col. 11, lines 16-18);

"and third program instructions executable on the computer for providing the retrieved participant identifier to the communications application" as the authorized user is identified by the document management services system as a registered user, in which the user submits is credentials, once the credentials are authenticated the user is provided access to the documents (see col. 12, lines 60-64). Serbinis fails to explicitly disclose the claimed a desired communications application to be used for the session. However, Yasuda discloses the claimed receiving an input of a user in a communication request including information relative to at least one called user desiring communication

and more media (see Yasuda col. 21, lines 21-32. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combined teachings of Serbinis and Yasuda with a desired communications application to be used for the session. Such modification would allow the teachings of Serbinis and Yasuda to improve the accuracy and the reliability of the method, system and program for switching between various computers-based communication techniques, and to provide a reserve function which reserves the resources of terminals constituting a communication service (see Yasuda col. 52, lines 58-59).

As per claim 23, Serbinis discloses "the first, second and third program instructions are within a communications aggregation program stored on the carrier medium' as computers connect to server computer, in which dispatches notifications, via voice message, e-mail, pagers to users of document management services system concerning the status of documents stored in the document management services system (col. 5, line 63 to col. 6, line 1).

As per claim 26, Serbinis discloses "the carrier medium further comprising fourth program instructions executable on the computer for retrieving a first participant identifier appropriate to identify the first participant to the desired communications application" as the authorized user is identified by the document management services system as a registered user, in which the user submits is credentials, once the

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credentials are authenticated the user is provided access to the documents (see col. 12, lines 60-64).

***Allowable Subject Matter***

ii) Claims 1, 3-12 are allowed.

Claim 20 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

B. Applicant(s) stated, page 7, paragraph 3, that "In addition, the allowable subject matter recited in claim 20 and intervening claim 19 has incorporated into base claim 13. Accordingly, it is believed that claim 13 and claims dependent therefrom are in condition for allowance." It is respectfully submitted that claim 19 recites the limitations: wherein the communications aggregation program is further adapted to display on a display screen of the computer a graphical user interface including representations of multiple communications applications accessible using the computer and of multiple potential participants in a communication session.

Claim 20 recites the limitations: wherein said representations comprise icon, and wherein the communication aggregation program is further adapted to detect a combined selection of a first icon representing a desired communications application and a second icon representation a desired participant. However, the amended claim 13 does not reflect the aforementioned limitations of claims 19 and 20 above. Applicant(s)

is(are) advised to amend claim 13 to incorporate the exact limitations of claims 19 and 20 in order to expertise the prosecution of the application.

Applicant(s) stated, page 8, paragraph 5, that "In an Office Action mailed January 14, 2004, the Examiner admittedly states that dependent claim 24 contains allowable subject matter. The Examiner's statements are repeated in the current Office Action mailed January 26, 7005. This limitation, which has been repeatedly deemed allowable by the Examiner, was added to independent claim 27 in a previous Response to the Office Action mailed January 14, 2004. For at least this reason, Applicants assert that independent claim 27 should also be deemed allowable over the art of record". It is respectfully submitted that claim 24 recites the limitations: further comprising fourth program instructions executable on the computer for displaying, on a display screen of a first computer used by the first participant, a graphical user interface including representations of multiple communications applications accessible with the computer and of multiple potential participants in the communications session. However, the amended claim 13 does not reflect the aforementioned limitations of claim 24 above. Applicant(s) is(are) advised to amend claim 27 to incorporate the exact limitations of claim 24 (and intervening claims) in order to expertise the prosecution of the application.

Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's argument, page 8, last paragraph, that the Serbinis fails to disclose "a computer-usable carrier medium, comprising a set of program

instructions that are executable on a computer for displaying, from a graphical user interface, which includes representations of multiple communications applications accessible with the computer and representations of multiple potential participants in a communication.” It is submitted that Serbinis discloses a system that permits interfaces to the multiple services to be accessed using previously known web browsers (see col. 4, lines 15-28).

In response to applicant's argument, page 9, paragraph 3, that “In light of the amendments herein incorporating allowable subject matter into independent claims 13 and 22, it is asserted that claims 13 and 22, as well as pending claims dependent therefrom, are in condition for allowance.” The test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

MPEP 2111 Claim Interpretation; Broadest Reasonable Interpretation

During patent examination, the pending claims must be “given the broadest reasonable interpretation consistent with the specification” Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. *In re Prater*, 162 USPQ 541,550-51 (CCPA 1969). The court found that applicant was advocating ... the impermissible importation of subject matter

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from the specification into the claim. See also *In re Morris*, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997) (The court held that the PTO is not required, in the course of prosecution, to interpret claims in applications in the same manner as a court would interpret claims in an infringement suit. Rather, the "PTO applies to verbiage of the proposed claims the broadest reasonable meaning of the words in their ordinary usage as they would be understood by one of ordinary skill in the art, taking into account whatever enlightenment by way of definition or otherwise that may be afforded by the written description contained in application's specification.").

The broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach. *In re Cortright*, 165 F.3d 1353, 1359, 49 USPQ2d 1464, 1468 (Fed. Cir. 1999).

For the above reasons, it is believed that the last Office Action was proper.

***Conclusion***

4. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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### CONTACT INFORMATION

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEAN B. FLEURANTIN whose telephone number is 571 – 272-4035. The examiner can normally be reached on 7:05 to 4:35.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN E BREENE can be reached on 571 – 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

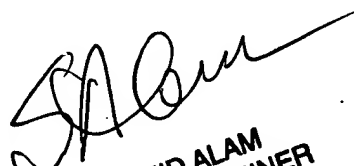
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Jean Bolte Fleurantin

Patent Examiner

Technology Center 2100

July 07, 2005

  
SHAHID ALAM  
PRIMARY EXAMINER